



2026:AHC:29184-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 1554 of 2026

Suraj

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shubham, Suraj Raj
Counsel for Respondent(s)	:	G.A.

Court No. - 45

HON'BLE RAJIV GUPTA, J.
HON'BLE ACHAL SACHDEV, J.

1. Heard learned counsel for the petitioner, learned A.G.A. for the State and perused the record.
2. The instant writ petition has been filed by the petitioner with the prayer to quash the FIR dated 27.12.2025 giving rise to Case Crime No.1204 of 2025, under Sections 69, 89, 352, 351(3) of BNS, 2023 and Section 67 of Information Technology (Amendment) Act, 2008, Police Station Khalilabad, District Sant Kabir Nagar.
3. Learned counsel for the petitioner has submitted that petitioner is wholly innocent and has been falsely implicated in the present case due to ulterior motive. He has next submitted that from the allegations made in the first information report, prima facie no offence, complained of, is disclosed against the petitioner and as such, the impugned first information report qua the petitioner is liable to be quashed.
4. Per contra, learned AGA for the State has vehemently opposed the said prayer and has placed before us copy of the case diary containing the statement of the victim under section 183 of BNS. He next submitted that from the perusal of the said statement of the victim, prima facie offence is clearly disclosed against the petitioner. Moreover, from the allegations made

in the impugned FIR and material collected during the course of investigation, prima-facie offence is clearly disclosed against the petitioner, therefore, the impugned first information report can not be quashed in view of law laid down by the Hon'ble Apex Court in the cases of *State of Telangana Vs. Habib Abdullah Jellani reported in (2017) 2 SCC 779*, *Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others reported in (2021) SCC Online SC 315* and in a recent decision of the Hon'ble Apex Court in *Criminal Appeal No. 843 of 2024, Directorate Enforcement Vs. Niraj Tyagi and others*.

5. Having considered the rival submissions made by learned counsel for the parties and having gone through the allegations made in the first information report and the statement of the victim recorded under section 183 of BNSS and keeping in view the relevant law cited by learned AGA for the State and the fact that impugned first information report discloses cognizable offence against the petitioner, we are of the opinion that the impugned first information report can not be quashed, therefore, the prayer for quashing the impugned first information report is refused.

6. However in case, the petitioner move an application for anticipatory bail/ regular bail before the appropriate court, his bail application shall be considered and disposed of as expeditiously as possible in accordance with law.

7. With the aforesaid observations, the instant writ petition is finally **disposed of**.

February 10, 2026
VKG

(Achal Sachdev,J.) (Rajiv Gupta,J.)